

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ELEN IP LLC,

Plaintiff,

v.

ARVINMERITOR, INC.; BEALL  
CORPORATION; BENDIX COMMERCIAL  
VEHICLE SYSTEMS, LLC; BRENNER TANK  
LLC; BULK SOLUTIONS LLC; HALDEX  
BRAKE PRODUCTS CORPORATION;  
HALDEX GARPHYTTAN CORPORATION;  
MERITOR WABCO VEHICLE CONTROL  
SYSTEMS; NAVISTAR INTERNATIONAL  
CORPORATION; PACCAR INC.;  
PERFORMANCE TRAILER, INC.; PREVOST  
CAR (US) INC.; VOLVO GROUP NORTH  
AMERICA, LLC; WABCO HOLDINGS INC.;  
and WALKER STAINLESS EQUIPMENT  
COMPANY LLC d/b/a WALKER  
TRANSPORT,

Defendants.

BRENNER TANK LLC, BULK SOLUTIONS  
LLC, MERITOR WABCO VEHICLE  
CONTROL SYSTEMS, WABCO HOLDINGS  
INC. AND WALKER STAINLESS  
EQUIPMENT CO. LLC D/B/A WALKER  
TRANSPORT,

Counterclaim Plaintiffs,

v.

ELEN IP LLC,

Counterclaim Defendant.

No. 2:11-cv-00140-RSM

**STIPULATION AND ORDER  
RE: MOTION FOR DISMISSAL  
AS TO DEFENDANTS WABCO  
HOLDINGS INC. AND  
MERITOR WABCO VEHICLE  
CONTROL SYSTEMS, AND AS  
TO THEIR CUSTOMERS  
DEFENDANTS BRENNER  
TANK LLC, BULK SOLUTIONS  
LLC, MERITOR, INC. (F/K/A/  
ARVINMERITOR, INC.) AND  
WALKER STAINLESS  
EQUIPMENT CO. LLC D/B/A  
WALKER TRANSPORT**

**NOTED FOR  
CONSIDERATION:  
December 22, 2012**

**STIPULATION**

Plaintiff Elen IP LLC (“Elen IP”), and Defendants WABCO Holdings Inc. and Meritor WABCO Vehicle Control Systems, and their customers Defendants Brenner Tank LLC, Bulk Solutions LLC, Meritor, Inc. (f/k/a ArvinMeritor, Inc.) and Walker Stainless Equipment Company LLC d/b/a Walker Transport, by and through their undersigned counsel, and subject to the approval of the Court, hereby move for an Order DISMISSING all claims asserted in this action, with each party to bear its own costs, expenses, and attorneys fees, as follows:

1. WITH PREJUDICE as to Defendants WABCO Holdings Inc. and Meritor WABCO Vehicle Control Systems;

2. WITH PREJUDICE as to the customer Defendants Brenner Tank LLC, Bulk Solutions LLC, Meritor, Inc. and Walker Stainless Equipment Company LLC d/b/a Walker Transport with respect to all past and present methods, systems, products, services and/or components (including past and present versions thereof) supplied, developed, produced, offered for sale, or sold or licensed by WABCO Holdings Inc., Meritor WABCO Vehicle Control Systems, and their affiliates, including without limitation the accused RSSplus and Roll Stability Support (RSS) products;

3. WITHOUT PREJUDICE as to the customer Defendants Brenner Tank LLC, Bulk Solutions LLC, Meritor, Inc. and Walker Stainless Equipment Company LLC d/b/a Walker Transport for anything not covered by paragraph 2 above; and

4. Each of the Defendants retains all rights in any challenge to the validity, enforceability and/or non-infringement of the patent currently in suit or any other patent now or later held by Plaintiff, and otherwise retains all rights to assert any other claims or defenses, if the patent currently in suit or any other patent now or later held by Plaintiff is ever asserted against any of them or any of their customers, suppliers or distributors. In any such challenge, the customer Defendants Brenner Tank LLC, Bulk Solutions LLC, Meritor, Inc. and Walker Stainless Equipment Company LLC d/b/a Walker Transport shall not be bound by

any statements or admissions of WABCO Holdings, Inc. or Meritor WABCO Vehicle Control Systems.

DATED this 22nd day of December, 2011.

KRAMER LEVIN NAFTALIS &  
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**[PROPOSED] ORDER**

Based on the foregoing Stipulated Motion for Dismissal of all claims asserted between plaintiff, Elen IP LLC, and Defendants WABCO Holdings Inc., Meritor WABCO Vehicle Control Systems, and their customers Defendants Brenner Tank LLC, Bulk Solutions LLC, Meritor, Inc. (f/k/a ArvinMeritor, Inc.) and Walker Stainless Equipment Company LLC d/b/a Walker Transport in this case, and the Court being of the opinion that said motion should be GRANTED, it is hereby ORDERED that all claims asserted in this action by said parties are hereby DISMISSED, as follows:

1. WITH PREJUDICE as to Defendants WABCO Holdings Inc. and Meritor WABCO Vehicle Control Systems;

2. WITH PREJUDICE as to the customer Defendants Brenner Tank LLC, Bulk Solutions LLC, Meritor, Inc. and Walker Stainless Equipment Company LLC d/b/a Walker Transport with respect to all past and present methods, systems, products, services and/or components (including past and present versions thereof) supplied, developed, produced, offered for sale, or sold or licensed by WABCO Holdings Inc., Meritor WABCO Vehicle Control Systems, and their affiliates, including without limitation the accused RSSplus and Roll Stability Support (RSS) products;

3. WITHOUT PREJUDICE as to the customer Defendants Brenner Tank LLC, Bulk Solutions LLC, Meritor, Inc. and Walker Stainless Equipment Company LLC d/b/a Walker Transport for anything not covered by paragraph 2 above; and

4. Each of the Defendants retains all rights in any challenge to the validity, enforceability and/or noninfringement of the patent currently in suit or any other patent now or later held by Plaintiff, and otherwise retains all rights to assert any other claims or defenses, if the patent currently in suit or any other patent now or later held by Plaintiff is ever asserted against any of them or any of their customers, suppliers or distributors. In any such challenge, the customer Defendants Brenner Tank LLC, Bulk Solutions LLC, Meritor, Inc. and Walker Stainless Equipment Company LLC d/b/a Walker Transport shall not be bound by

1 any statements or admissions of WABCO Holdings, Inc. or Meritor WABCO Vehicle Control  
2 Systems.

3 It is further ORDERED that all attorneys fees and costs are to be borne by the party  
4 that incurred them.

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7 DATED this \_\_ day of December, 2011.

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Ricardo S. Martinez  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 22nd day of December, 2011.

/s/ Randy Lipsitz